

REMARKS

Reconsideration of the above-identified application is respectfully requested in light of the above amendments and the following remarks.

Claims 1-20 are in the application and stand rejected. The abstract is also objected to. In response, the present amendment seeks to amend the abstract, to amend claim 9, and to add new claims 21-23. No new matter has been added.

In paragraph 2 of the Office action, the abstract is objected to as exceeding 150 words. In response, the abstract has been amended so that it does not exceed 150 words. No new matter has been added. In light of the present amendment, it is respectfully requested that the objection to the abstract be withdrawn.

In paragraph 3 of the Office action, claim 7 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully traverses this rejection.

Paragraph 3 of the Office action states in part:

Claim 7 is vague and indefinite because "said first nozzle is aligned to discharge said first liquid so that said first liquid does not contact said plurality of work pieces" renders the claim unclear. First liquid is clearly stated as water in claim 2.

Applicant does not understand the rejection but will respond to the best of its ability. Claim 7 depends from claim 6, which in turn depends from claim 1, not claim 2. In claim 7, the "first liquid" has therefore not been described as water. The preferred, alternate embodiment is best seen in Figs. 8 and 9 and is described at page 10, lines 21-25:

The downward spray of the water by nozzles 50 creates a vacuum upstream and downstream of the treatment zone. As excess sprayed treating substance 70 passes baffles 34 located upstream and downstream of the treatment zone, the vacuum created by nozzles 50 draws the excess sprayed substance 70 downward, where the treating substance 70 contacts the water 58 and is drawn downward with the water to be drained.

As also described at page 11, lines 2-6:

The upstream and downstream liquid barriers prevent the remaining portion of the substance 70 from escaping the chamber 12 without contacting the workpieces. This embodiment therefore provides for containment without creating problems or concerns that the liquid barriers may wash or remove undesirable amounts of the treating substance 70 from the workpieces 40.

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It is therefore respectfully submitted that claim 7 complies with the requirements of 35 U.S.C. § 112, second paragraph, and it is respectfully requested that the rejection of claim 7 on this ground be withdrawn.

In paragraph 4 of the Office action, claims 1-3, 6-14, 16 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Day. As discussed in more detail below, Applicant respectfully traverses the rejection of claims 1-3, 6-8, and 20.

Applicant has also amended claim 9. It is respectfully submitted that claim 9 as amended distinguishes over and is patentable over Day. Claims 10-14 and 16 depend ultimately from claim 9, so it is submitted that claims 10-14 and 16 also distinguish over and are patentable over Day.

In paragraph 4, the Office action states in part that "C.E. Day teaches a chamber, a processing line, a first/second/third pipe that is being connected to a source of a first/second/third liquid suppliers (18, 10), nozzles (73) and a plurality of work pieces operably connected to a processing line." Claim 1 of the present invention calls for among other things "a first nozzle operably connected to said first pipe," "a second nozzle operably connected to said second pipe" and "a third nozzle operably connected to said third pipe." It is respectfully submitted that Day does not disclose, teach or suggest providing "a first nozzle operably connected to said first pipe," "a second nozzle operably connected to said second pipe" and "a third nozzle operably connected to said third pipe."

As described in Day at col. 2, lines 26-30, the apparatus in Day comprises three chambers or compartments: a washing compartment A, a cooling and sterilizing compartment B, and a final washing compartment C. At col. 5, lines 26-32, Day discloses that the washing compartment A has a sprayer 73 which is comprised of a pipe 74 with nozzles 75 attached thereto and a pipe 76 for supplying water. At col. 5, lines 35-40, Day states that "[I]t is noted that the with the exceptions of the sprayer 73 in the washing compartment A, . . . all of the compartments are constructed in the same manner." This makes clear that only compartment A has the sprayer 73 and that compartments B and C do not. It is therefore respectfully submitted that Day does not disclose, teach or suggest providing "a first nozzle operably connected to said first pipe," "a second nozzle operably



connected to said second pipe" and "a third nozzle operably connected to said third pipe." Instead, Day contains express teaching away from this.

In light of the above, it is respectfully submitted that claim 1 distinguishes over and is patentable over Day. Claims 2-3 and 6-8 depend ultimately from and include the limitations of claim 1, so it is respectfully submitted that claims 1-3 and 6-8 distinguish over and are patentable over Day for the same reasons as claim 1. It is therefore requested that the rejection of claims 1-3 and 6-8 as being anticipated by Day be withdrawn.

In response to the rejection in paragraph 4, claim 9 has been amended so that step (d) provides for "passing said plurality of workpieces through said treatment zone and above said first liquid barrier," instead of "passing said plurality of workpieces through said treatment zone and above or through said first liquid barrier." It is respectfully submitted that the workpieces in Day pass through the liquid barrier created by sprayer 73 and do not pass "above" it. It is therefore respectfully submitted that Day does not disclose, teach, or suggest "passing said plurality of workpieces through said treatment zone and above said first liquid barrier."

In light of the above, it is respectfully submitted that, as amended, claim 9 distinguishes over and is patentable over Day. Claims 10-14 and 16 depend ultimately from and include the limitations of claim 9, so it is respectfully submitted that claims 9-14 and 16 distinguish over and are patentable over Day for the same reasons as claim 9. It is therefore requested that the rejection of claims 9-14 and 16 as being anticipated by Day be withdrawn.

Claim 20 also stands rejected as being anticipated by Day. As discussed in more detail below, Applicant respectfully traverses this rejection. Claim 20 includes "means for spraying water to create a first liquid barrier within said chamber" and "means for spraying water to create a second liquid barrier within said chamber, said second liquid barrier being upstream from said treatment zone." Claim 20 also specifies that the treatment zone is upstream from the first liquid barrier, so the second liquid barrier must also be upstream from the first liquid barrier.



As discussed in more detail above in connection with claim 1, Day specifies that compartment A of its device has a sprayer 73 and that compartments B and C do not. It is therefore respectfully submitted that Day does not disclose, teach or suggest providing "means for spraying water to create a first liquid barrier within said chamber" and "means for spraying water to create a second liquid barrier within said chamber, said second liquid barrier being upstream from said treatment zone." Instead, Day contains express teaching away from this.

In light of the above, it is respectfully submitted that claim 20 distinguishes over and is patentable over Day. It is therefore requested that the rejection of claim 20 as being anticipated by Day be withdrawn.

In paragraph 5 of the Office action, claim 4 stands rejected under 35 U.S.C. § 103 as being obvious over Day in view of Sivells et al. As discussed in more detail below, Applicant respectfully traverses this rejection of claim 4.

In paragraph 5, the Office action states in part that "C.E. Day has all the features of the invention but C.E. Day fails to teach the flat spray nozzle and full cone nozzle." Sivells et al. is relied upon as disclosing a "spray dolly having a removable sprayer consisting of an adjustable cone nozzle, a flat spread pattern nozzle, a fan tip nozzle and a zero degree focused pin point spray nozzle (col. 4, lines 61-66)." As noted above, claim 1 of the present invention calls for among other things "a first nozzle operably connected to said first pipe," "a second nozzle operably connected to said second pipe" and "a third nozzle operably connected to said third pipe." It is respectfully submitted that Day does not disclose, teach or suggest providing "a first nozzle operably connected to said first pipe," "a second nozzle operably connected to said second pipe" and "a third nozzle operably connected to said third pipe." It does not appear that Sivells et al. is being relied upon as disclosing, teaching, or suggesting that Day should be modified to provide this, and it is respectfully submitted that Sivells et al. does not disclose, teach or suggest modifying Day in this manner.

In light of the above, it is respectfully submitted that claim 1 distinguishes over and is patentable over Day in view of Sivells et al. Claim 4 depends ultimately from and include the limitations of claim 1, so it is respectfully submitted that claim 4 distinguishes



over and is patentable over Day in view of Sivells et al. for the same reasons as claim 1. It is therefore requested that the rejection of claim 4 as being obvious over Day in light of Sivells et al. be withdrawn.

In paragraph 6 of the Office action, claim 5 stands rejected under 35 U.S.C. § 103 as being obvious over Day in view of Smith et al. As discussed in more detail below, Applicant respectfully traverses this rejection of claim 5.

In paragraph 6, the Office action states in part that "C.E. Day has all the features of the invention but C.E. Day failed to mention a control valve." Smith et al. is relied upon as disclosing a control valve. As noted above, claim 1 of the present invention calls for among other things "a first nozzle operably connected to said first pipe," "a second nozzle operably connected to said second pipe" and "a third nozzle operably connected to said third pipe." It is respectfully submitted that Day does not disclose, teach or suggest providing "a first nozzle operably connected to said first pipe," "a second nozzle operably connected to said second pipe" and "a third nozzle operably connected to said third pipe." It does not appear that Smith et al. is being relied upon as disclosing, teaching, or suggesting that Day should be modified to provide this, and it is respectfully submitted that Smith et al. does not disclose, teach or suggest modifying Day in this manner.

In light of the above, it is respectfully submitted that claim 1 distinguishes over and is patentable over Day in view of Smith et al. Claim 5 depends ultimately from and include the limitations of claim 1, so it is respectfully submitted that claim 5 distinguishes over and is patentable over Day in view of Smith et al. for the same reasons as claim 1. It is therefore requested that the rejection of claim 5 as being obvious over Day in light of Smith et al. be withdrawn.

In paragraph 7 of the Office action, claims 15 and 17-19 stand rejected under 35 U.S.C. § 103 as being obvious over Day. In light of the amendment to claim 9, it is respectfully submitted that claims 15 and 17-19 distinguish over and are patentable over Day.

In paragraph 7, the Office action indicates that Day has all the features of the invention but does not disclose the claimed flow rates or the use of different flow rates for the first and second liquid barriers. Paragraph 7 asserts that it would have been obvious

to use the claimed flow rates and to use different flow rates for the first and second liquid barriers. As noted above, claim 9 has been amended so that step (d) provides for "passing said plurality of workpieces through said treatment zone and above said first liquid barrier," instead of "passing said plurality of workpieces through said treatment zone and above or through said first liquid barrier." It is respectfully submitted that the workpieces in Day pass through the liquid barrier created by sprayer 73 and do not pass "above" it. It is therefore respectfully submitted that Day does not disclose, teach, or suggest "passing said plurality of workpieces through said treatment zone and above said first liquid barrier."

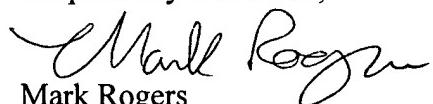
In light of the above, it is respectfully submitted that claim 9 distinguishes over and is patentable over Day. Claims 15 and 17-19 depend ultimately from and include the limitations of claim 9, so it is respectfully submitted that claims 15 and 17-19 distinguish over and are patentable over Day for the same reasons as claim 9. It is therefore requested that the rejection of claims 15 and 17-19 as being obvious in light of Day be withdrawn.

New claims 21-23 have been added. It is respectfully submitted that new claims 21-23 distinguish over and are patentable over the references of record for many of the same reasons as discussed above in connection claims 1, 9, and 20.

In light of the above, it is respectfully submitted that claims 1-23 are in condition for allowance. Formal notice thereof is respectfully requested.

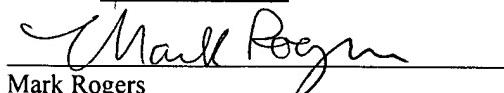
Respectfully submitted,

Date: 10 - 16 - 03


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